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7 8	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA	
9	KEVIN COE,	CASE NO. C13-6088 RJB-JRC
10	Petitioner,	ORDER ADOPTING REPORT AND
11	v.	RECOMMENDATION AND DENYING APPLICATION TO PROCEED IN FORMA PAUPERIS
12	MARK STRONG,	FROCEED IN FORMA FAUFERIS
13	Respondent.	
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15	This matter comes before the court on the Report and Recommendation to Deny In	
16	Forma Pauperis Status. Dkt. 3. The court has considered the relevant documents and the	
17	remainder of the record herein.	
18	On December 26, 2013 petitioner, a resident at the Special Commitment Center (SCC),	
19	filed an application to proceed in forma pauperis. Dkt. 1. On December 30, 2013, United States	
20	Magistrate Judge J. Richard Creatura issued a Report and Recommendation, recommending that	
21	the Court deny the application to proceed in forma pauperis because petitioner has sufficient	
22	funds to pay the \$5 filing fee in this case. Dkt. 3. Petitioner's application shows that he receives	
23	approximately \$254.17 every month into his SCC account. Dkt. 1.	
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## 1 DISCUSSION AND CONCLUSION 2 The district court may permit indigent litigants to proceed in forma pauperis upon completion of a proper affidavit of indigency. See 28 U.S.C. § 1915(a). However, the court has 3 broad discretion in denying an application to proceed in forma pauperis. Weller v. Dickson, 314 5 F.2d 598 (9th Cir. 1963), cert. denied 375 U.S. 845 (1963). 6 It appears that the petitioner has the cash and bank account funds to pay the \$5 filing fee 7 in this case. Petitioner has made a choice to file this civil action. While the costs of this action 8 may place a burden on his resources, petitioner appears to have sufficient funds to avail himself of his legal remedies by filing this action. Accordingly, the court should adopt the Report and Recommendation and deny petitioner's motion to proceed in forma pauperis. Before the court 10 11 dismisses this case, however, petitioner should have the opportunity to pay the filing fee. 12 Therefore, it is hereby **ORDERED** that the Report and Recommendation to IFP 13 Application (Dkt. 3) is **ADOPTED**. Petitioner's application to Proceed In Forma Pauperis (Dkt. 14 1) is **DENIED**. If petitioner desires to proceed with this civil action, he shall pay the \$5 filing 15 fee to the Court Clerk, not later than February 12, 2014. If petitioner fails to timely submit the filing fee, the Clerk is directed to dismiss this case without prejudice. The Clerk is directed to 16 17 send uncertified copies of this Order to all counsel of record and to any party appearing pro se at 18 said party's last known address. Dated this 22<sup>nd</sup> day of January, 2014. 19 20 21 ROBERT J. BRYAN 22 United States District Judge 23

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